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17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA

19 Jason Farr,

CASE NO. 5:23-cv-271

20 Plaintiff,

**COMPLAINT**

21 vs.

22 BNSF Railway Company, a Delaware  
corporation.

23 1. NEGLIGENCE – Federal  
Employer’s Liability Act, 45 U.S.C. §  
51 *et seq.*

24  
25 Defendant.

JURY TRIAL DEMANDED

**COMES NOW** the Plaintiff, Jason Farr, an individual, for causes of action  
against Defendant, hereby complain as follows:

## **THE PARTIES AND JURISDICTION**

1. Plaintiff JASON FARR (“Plaintiff”) is an individual, and was residing in the city of Corona, County of Riverside, State of California, when the incident in this Complaint occurred.

2. Defendant BNSF RAILWAY COMPANY ("Defendant") was and is headquartered in Fort Worth, Texas, and is a common carrier for hire by rail in and throughout the several States of the United States and for the purpose of operating said railroad did and does own, possess, operate and maintain, railroad cars, tracks, and other equipment in and about the City of Fontana, State of California.

3. The Court has jurisdiction through 45 U.S.C. § 56, commonly known as the Federal Employer's Liability Act ("FELA") and this action is timely commenced under said statute. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the laws of the United States.

## **GENERAL ALLEGATIONS**

4. On or about February 22, 2020, Plaintiff was working as a Conductor for Defendant near Kaiser Depot in Fontana, California.

5. Plaintiff was riding on a ladder connected to the side of a grain car while performing his work duties.

6. The car he was riding and the locomotive moving it stopped and started moving backwards towards another rail car that was recently separated.

7. Plaintiff suffered injuries jumping from the rail car attempting to avoid collision with the other rail car.

8. Plaintiff suffered injuries including to his right leg, foot, other parts of his body, emotional distress, and post-traumatic stress disorder.

9. Plaintiff's injuries were caused by the negligence of Defendant BNSF.

**COUNT I: FELA NEGLIGENCE AND STRICT LIABILITY: 45 USC § 51,**

*et seq.*

10. Plaintiff hereby incorporates by reference paragraphs 1 through 9 above.

11. The injuries sustained on or around February 22, 2020, by Plaintiff and the resulting damage came as a result, in whole or in part, of the negligence of Defendant BNSF its agents, employees, and officers and in violation of the FELA, 45 U.S.C. § 51 *et. seq.*, to wit, Defendant BNSF was negligent in:

- a. Failing to provide Plaintiff with a reasonably safe place in which to work;
  - b. Failing to provide proper and reasonably safe equipment and resources;
  - c. Failing to abide by relevant portions of the Locomotive Inspection Act and Safety Appliance Act;
  - d. Failing to comply with applicable provisions of the Code of Federal Regulations;

- 1 e. Having employees perform unsafe train operations, train handling, and
- 2 braking;
- 3 f. Failing to provide proper maintenance and inspection;
- 4 g. Failing to provide sufficient training and resources;
- 5 h. Requiring Plaintiff to perform work activities that were unsafe; and
- 6 i. Other acts of negligence to be discovered.

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8  
9 12. That because of Defendant's negligence, statutory violations, regulatory  
10 violations, and violation of the FELA, Plaintiff has sustained severe and disabling  
11 injuries.  
12

13 13. That as a result of Defendant's conduct, Plaintiff has lost wages, has a  
14 permanent loss of his earning capacity, has and will continue to suffer physical pain  
15 and suffering, has and will continue to suffer a loss of enjoyment of life, and has and  
16 will continue to suffer emotional loss.  
17

18 14. That in an effort to treat his injuries, Plaintiff has incurred in the past and will  
19 incur in the future expenses for hospital, nursing and other medical care, the exact  
20 amount of which cannot be accurately estimated at this time.  
21

22 **PRAYER FOR RELIEF**  
23

24 25 **WHEREFORE**, Plaintiff prays for judgment against the above-named  
26 Defendant, BNSF Railway Company, for recovery of reasonable damages in an  
27 amount sufficient to fully compensate Plaintiff for the damages and losses suffered,  
28

1 together with all costs, disbursements, and whatever other relief the Court deems  
2 appropriate.

3  
4 **DEMAND FOR JURY TRIAL**

5 Plaintiff hereby demands a trial by jury on all causes of action.  
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9 Dated: February 17, 2023 By \_\_\_\_\_  
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